

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS E. AUGUSTINE, )  
Plaintiff, )  
vs. ) Civil Action No. 09-679  
COMMISSIONER OF SOCIAL SECURITY, ) Judge Alan N. Bloch/  
Defendant. ) Chief U.S. Mag. Judge Amy Reynolds Hay

## ORDER

AND NOW, this 4<sup>th</sup> day of May, 2010, after the plaintiff, Thomas E. Augustine, filed an action in the above-captioned case, and after cross-motions for Summary Judgment were filed by the parties, and after a Report and Recommendation was filed by the Chief United States Magistrate Judge granting the parties until April 30, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Summary Judgment submitted by the Commissioner [Dkt. 14] is GRANTED and the Motion for Summary Judgment submitted by the Claimant [Dkt. 10] is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Claimant desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Alan N. Bloch

ecf: Honorable Amy Reynolds Hay  
Chief United States Magistrate Judge

Counsel of Record